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7 ETOPUS TECHNOLOGY, INC.,  
8 Plaintiff,  
9 v.  
10 HANLI LIU,  
11 Defendant.

Case No. 23-cv-06594-HSG

**ORDER TO SHOW CAUSE**

Re: Dkt. No. 12

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13 The Court is in receipt of Plaintiff's Ex Parte Application for Temporary Restraining Order  
14 ("TRO"), as well as Defendant's opposition. *See* Dkt. Nos. 12, 14. As a preliminary matter, the  
15 Court observes that the application "seeks immediate access to all of Defendant's computers,  
16 external hard drives, and all other electronic devices onto which he might have transferred files  
17 that were and are the property of Plaintiff." Dkt. No. 12 at 2. This type of blanket request for  
18 what amounts to wholesale seizure of all of Defendant's electronic storage media, including his  
19 personal cell phone and personal computers, strikes the Court as very likely overbroad, unduly  
20 intrusive and unjustifiable under the circumstances presented.

21 Moreover, in his opposition, Defendant contends that this dispute arises from his  
22 inadvertent downloading of his employer's information onto two storage devices and his personal  
23 computers. Dkt. No. 14 at 4. Defendant elaborates as follows:

24 Upon discovery of this error, [Defendant] turned over the two storage  
25 devices to Plaintiff employer and deleted all information of Plaintiff  
26 from his personal computers. Although Defendant has been honest  
27 and forthcoming with Plaintiff and has informed Plaintiff that he no  
28 longer possesses Plaintiff's information, Plaintiff repeatedly demands  
Defendant to provide all of his personal electronic devices, including  
his cell phone. As Defendant agrees to enter into a stipulated  
injunction not to share or use Plaintiff's trade secrets, is willing to  
cooperate with Plaintiff, to the extent its demands are reasonable, and

1 that Plaintiff does not offer any facts to support its speculations that  
2 Defendant will share or use its trade secrets, a TRO is a wholly  
3 inappropriate means to address this dispute.

4 *Id.*

5 Given these representations, the Court hereby DIRECTS Plaintiff to show cause by 5:00  
6 p.m. on Monday, February 26, 2024, why the TRO application should not be denied, at a  
7 minimum, for seeking an unjustifiably overbroad order. The Court further ORDERS the parties to  
8 meet and confer immediately and engage in reasonable, good faith efforts to agree on appropriate  
9 *targeted* conditions to preserve the status quo (which is the sole proper purpose of a TRO) pending  
10 resolution of the underlying lawsuit. As part of this process, the parties must make genuine and  
11 good faith efforts to agree on the terms of a reasonable stipulated injunction along the lines  
12 Defendant says he has proposed. If the parties do not resolve the dispute before Plaintiff's OSC  
13 response is due on Monday, the TRO application will be taken under submission without a hearing  
14 once that filing is made unless otherwise ordered.

15 **IT IS SO ORDERED.**

16 Dated: 2/23/2024

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18 HAYWOOD S. GILLIAM, JR.  
19 United States District Judge  
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